

NICOWORLDWIDE, LLC

July 2, 2004

VIA FEDERAL EXPRESS

Dockets Management Branch (HFA-305)
Food and Drug Administration (Phone: 301-827-6860)
Department of Health and Human Services
5630 Fishers Lane, Room 1061
Rockville, MD 20852

ANDA SUITABILITY PETITION - NICOTINE POLACRILEX ORAL SOLUTION

Nico Worldwide, LLC hereby submits four copies of this ANDA Suitability Petition under the provisions of section 505 (j)(2)(C) of the Federal Food, Drug and Cosmetic Act, and the corresponding regulation under 21 CFR 314.93 requesting that the Commissioner of Food and Drugs allow the submission and filing of an Abbreviated New Drug Application (" ANDA ") for Nicotine Polacrilex, 2 mg base per 240 mL oral solution and 4 mg base per 240 mL oral solution in, bottles delivered by drinking the solution, which is more specifically presented below, and with attachments to this petition. a drug that has the same strengths as a drug listed in FDA's publication entitled "Approved Drug Products with Therapeutic Equivalence Evaluations," but differs in dosage form.

A. Action Requested

The Petitioner requests that the Commissioner of Food and Drugs allow the submission and filing of an ANDA for Nicotine Polacrilex Solution, 2 mg base per 240 mL oral solution and 4 mg base per 240 mL oral solution pursuant to Section 505(j)(2)(C) of the Federal Food, Drug and Cosmetic Act. Specifically, the proposed product is formulated as a pre-diluted, base form version of GlaxoSmithKline's product, Commit[®], Nicotine Troche/Lozenge Oral, Equivalent to 2 mg base per lozenge and 4 mg base per lozenge, NDA No. 02-330. Draft labeling is enclosed with this petition. Nico Worldwide, LLC proposes to use the GlaxoSmithKline labeling and indications used in the Commit[®] labeling, along with added appropriate instructions for the use of our oral solution.

B. Statement of Grounds

The Food, Drug, and Cosmetic Act as amended provides, in relevant part, that any person may file an ANDA for the approval of a new drug that is the "same" as a listed drug. 21 U.S.C. § 355(j)(2)(A), (j)(6); 21 C.F.R. § 314.92(a)(l). Abbreviated applications also may be submitted for a new drug, which differs from a listed drug in one or more specified aspects, provided that FDA has

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NICOWORLDWIDE, LLC

declared the product suitable for ANDA submission through the petition process. 21 U.S.C. § 355(j)(2)(A), (j)(2)(C); 21 C.F.R. § 314.92(a)(3). Permitted product changes include, among other things, a different route of administration, dosage form, or strength from that of a listed drug. Id. FDA must approve a petition seeking one or more of these product changes, unless the proposed product change(s) presents questions of safety or effectiveness. 21 U.S.C. § 355 (j)(2)(C)(i); 21 C.F.R. § 314.93.

This petition accordingly seeks FDA authorization to submit an ANDA for an Nicotine Polacrilex Solution, 2 mg base per 240 mL oral solution and 4 mg base per 240 mL oral solution. The proposed ANDA will reference the listed drug, Commit[®], which is manufactured by GlaxoSmithKline. The proposed drug product will not differ from the listed drug in strength (base form) or route of delivery; however, it will differ in dosage form, a change that is permitted by the Act. Specifically, the proposed product will contain the same active ingredient, in base form, for the same labeled use as the reference listed drug, but as a solution for oral ingestion and at a strength of 2 mg base per 240 mL oral solution and 4 mg base per 240 mL oral solution in bottles. The safety and effectiveness of Nicotine in adult patients has been established, so there are no questions of safety or effectiveness.

The labeling of the proposed drug product will be the same as the currently approved labeling for the listed drug, with a few minor changes which are required because of differences approved under this petition; ie., dosage form and administration instructions. See Attachments. In light of the above, and the fact that Nicotine has been marketed in the U.S. as an approved drug for many years, there is no reason to question the safety or efficacy of the proposed Nicotine oral solution product for its intended uses. A summary showing the similarities and differences of the proposed drug and the reference listed drug are as follows:

<u>Parameter</u>	<u>Proposed Drug</u>	<u>Reference Listed Drug</u>
Strength	2 mg and 4 mg base	2 mg and 4 mg base
Route of Delivery	Oral	Oral
Dosage Form	Liquid	Troche/lozenge
Labeling	OTC FDA Approved Label with dosage form instruction changes only.	OTC FDA Approved Label
Drug Form	<u>Nicotine Polacrilex</u>	Nicotine Polacrilex Equivalent formulated for Nicotine Base Delivery

NICOWORLDWIDE, LLC

The petitioner is also requesting a waiver of the requirement to conduct pediatric studies in accordance with the Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drug and Biological Products in Pediatric Patients; Final Rule (Pediatric Final Rule) 63 FR 66632 published December 2, 1998, and the waiver requirements set forth in 21 CFR § 314.55(c)(2)(i), as "the drug product does not represent a meaningful therapeutic benefit over existing treatments for pediatric patients and is not likely to be used in a substantial number of pediatric patients". The petitioner notes that this product will be identical to the existing Nicotine OTC products wherein the labeling states to consult a physician prior to use if under 18 years of age. Further, Nicotine, in the dosage strengths of 2 mg and 4 mg that is already available, and this new dosage form is not expected to increase pediatric use.

C. Environmental Impact

The Petitioner claims a categorical exclusion under 21 CFR §25.31.

D. Economic Impact

It is proposed that usage of the Nico Worldwide LLC will result in greater patient compliance, and therefore a greater number of people will be able to stop smoking. Because of this, a significant corresponding economic savings to the patient, and society are expected. Further information under this section will be submitted upon request of the Commissioner.

E. Certification

The undersigned certifies, that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner, which are unfavorable to the petition. Further, to the best of its knowledge and belief at this time, the petitioner is not aware of any information unfavorable to this petition.

Thank you very much.

Sincerely,


Barry Sugarman, B.S.ENGR.
Consultant

Attachments: GlaxoSmithKline Commit[®] Nicotine Polacrilex Equivalent to 2 mg Nicotine base and Equivalent to 4 mg Nicotine base Troche/Lozenge Oral Product Label, and Nico Worldwide, LLC Product Label Differences.

From the marketers of
Nicorette

Commit

TO INCREASE YOUR SUCCESS IN QUITTING:

1. You must be motivated to quit.
2. **Use Enough** - Use at least 9 lozenges of Commit per day during the first six weeks.
3. **Use Long Enough** - Use Commit for the full 12 weeks.
4. **Use With a Support Program** as directed in the enclosed User's Guide.



To remove the lozenge, tear off single unit.



Peel off backing starting at corner with loose edge.



Push lozenge through foil.

*The American Cancer Society supports the use of a stop smoking aid and counseling as effective tools when quitting smoking but does not endorse any specific product. GlaxoSmithKline pays a fee to the American Cancer Society for the use of its logo.

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From the marketers of
Nicorette



Commit

nicotine polacrilex lozenge, 2mg
**STOP SMOKING AID
LOZENGE**



**FOR THOSE WHO SMOKE THEIR FIRST CIGARETTE
MORE THAN 30 MINUTES AFTER WAKING UP.**

If you smoke your first cigarette WITHIN 30 MINUTES of waking up,
use Commit 4mg Lozenge.

Includes User's Guide

2mg

72 LOZENGES, 2mg EACH

Commit[®]

Nicorette[®]
From the marketers of

28796XB

From the marketers of
Nicorette[®]

Commit[®]

- not for sale to those under 18 years of age
- proof of age required
- not for sale in vending machines or from any source where proof of age cannot be verified

Blister packaged for your protection.

Do not use if individual seals are open or torn.



0766-1500-10

<p>Drug Facts</p> <p>Active ingredient (in each lozenge) Nicotine polacrifex, 2mg Stop smoking aid</p> <p>Purpose - reduces withdrawal symptoms, including nicotine craving, associated with quitting smoking</p> <p>Use - reduces withdrawal symptoms, including nicotine craving, associated with quitting smoking</p> <p>Warnings If you are pregnant or breast-feeding, only use this medicine on the advice of your health care provider. Smoking can seriously harm your child. Try to stop smoking without using any nicotine replacement medicine. This medicine is believed to be safer than smoking. However, the risks to your child from this medicine are not fully known.</p> <p>Do not use - if you continue to smoke, chew tobacco, use snuff, or use a nicotine patch or other nicotine containing products</p> <p>Ask a doctor before use if you have - heart disease, recent heart attack, or irregular heartbeat. - Nicotine can increase your heart rate. - high blood pressure not controlled with medication. - Nicotine can increase your blood pressure. - stomach ulcer or diabetes</p> <p>Ask a doctor or pharmacist before use if you are - using a non-nicotine stop smoking drug - taking prescription medicine for depression or asthma. Your prescription dose may need to be adjusted</p> <p>Stop use and ask a doctor if - mouth problems occur - persistent indigestion or severe sore throat occurs - irregular heartbeat or palpitations occur - you get symptoms of nicotine overdose such as nausea, vomiting, dizziness, diarrhea, weakness and rapid heartbeat</p> <p>Keep out of reach of children and pets. Nicotine lozenges may have enough nicotine to make children and pets sick. If you need to remove the lozenge, wrap it in paper and throw away in the trash. In case of overdose, get medical help or contact a Poison Control Center right away.</p> <p>Directions - if you are under 18 years of age, ask a doctor before use - before using this product, read the enclosed User's Guide for complete directions and other important information</p>		<p>Drug Facts (continued)</p> <p>Directions - stop smoking completely when you begin using the lozenge - if you smoke your first cigarette within 30 minutes of waking up, use 4mg nicotine lozenge - if you smoke your first cigarette more than 30 minutes after waking up, use 2mg nicotine lozenge according to the following 12 week schedule</p> <table border="1"> <thead> <tr> <th>Weeks 1 to 6</th> <th>Weeks 7 to 9</th> <th>Weeks 10 to 12</th> </tr> </thead> <tbody> <tr> <td>1 lozenge every 1 to 2 hours</td> <td>1 lozenge every 2 to 4 hours</td> <td>1 lozenge every 4 to 8 hours</td> </tr> </tbody> </table> <p>- nicotine lozenge is a medicine and must be used a certain way to get the best results - place the lozenge in your mouth and allow the lozenge to slowly dissolve (about 20 - 30 minutes). Minimize swallowing. Do not chew or swallow lozenge. - you may feel a warm or tingling sensation - occasionally move the lozenge from one side of your mouth to the other until completely dissolved (about 20-30 minutes) - do not eat or drink 15 minutes before using or while the lozenge is in your mouth - to improve your chances of quitting, use at least 9 lozenges per day for the first 6 weeks - do not use more than one lozenge at a time or continuously use one lozenge after another since this may cause you hiccups, heartburn, nausea or other side effects - do not use more than 5 lozenges in 6 hours. Do not use more than 20 lozenges per day. - stop using the nicotine lozenge at the end of 12 weeks. If you still feel the need to use nicotine lozenges, talk to your doctor</p> <p>Other information - Phenylketonurics: Contains Phenylalanine 3.4 mg per lozenge - store at 20 - 25°C (68 - 77°F) - protect from light</p> <p>Inactive ingredients aspartame, calcium polycarbophil, flavor, magnesium stearate, mannitol, potassium bicarbonate, sodium alginate, sodium carbonate, xanthan gum</p> <p>Questions or comments? call weekdays 1-888-689-1743 (10:00am - 4:30pm EST)</p>	Weeks 1 to 6	Weeks 7 to 9	Weeks 10 to 12	1 lozenge every 1 to 2 hours	1 lozenge every 2 to 4 hours	1 lozenge every 4 to 8 hours
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From the marketers of
Nicorette

Commit

From the marketers of
Nicorette



TO INCREASE YOUR SUCCESS IN QUITTING:

1. You must be motivated to quit.
2. **Use Enough** - Use at least **9 lozenges** of Commit per day during the first six weeks.
3. **Use Long Enough** - Use Commit for the full 12 weeks.
4. **Use With a Support Program** as directed in the enclosed User's Guide.



To remove the lozenge, tear off single unit.



Peel off backing starting at corner with loose edge.



Push lozenge through foil.

*The American Cancer Society supports the use of a stop smoking aid and counseling as effective tools when quitting smoking but does not endorse any specific product. GlaxoSmithKline pays a fee to the American Cancer Society for the use of its logo.

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Commit®

nicotine polacrilex lozenge, 4mg

STOP SMOKING AID
LOZENGE



Includes User's Guide
**FOR THOSE WHO SMOKE THEIR FIRST CIGARETTE
WITHIN 30 MINUTES OF WAKING UP.**

If you smoke your first cigarette **MORE THAN 30 MINUTES** after waking up, use Commit 2mg Lozenge

4mg

72 LOZENGES, 4mg EACH

Commit[®]

Nicorette[®]
From the marketers of

28802XB

From the marketers of

Nicorette[®]

Commit[®]

- not for sale to those under 18 years of age
- proof of age required
- not for sale in vending machines or from any source where proof of age cannot be verified

Blister packaged for your protection.

Do not use if individual seals are open or torn.



0766-1500-20

Drug Facts		Drug Facts (continued)							
Active Ingredient (in each lozenge) Nicotine polacrlex, 4mg Stop smoking aid		Directions							
Use • reduces withdrawal symptoms, including nicotine craving, associated with quitting smoking		<ul style="list-style-type: none"> • stop smoking completely when you begin using the lozenge • if you smoke your first cigarette more than 30 minutes after waking up, use 2mg nicotine lozenge • if you smoke your first cigarette within 30 minutes of waking up, use 4mg nicotine lozenge according to the following 12 week schedule: 							
Warnings If you are pregnant or breast-feeding, only use this medicine on the advice of your health care provider. Smoking can seriously harm your child. Try to stop smoking without using any nicotine replacement medicine. This medicine is believed to be safer than smoking. However, the risks to your child from this medicine are not fully known.		<table border="1"> <thead> <tr> <th>Weeks 1 to 6</th> <th>Weeks 7 to 9</th> <th>Weeks 10 to 12</th> </tr> </thead> <tbody> <tr> <td>1 lozenge every 1 to 2 hours</td> <td>1 lozenge every 2 to 4 hours</td> <td>1 lozenge every 4 to 8 hours</td> </tr> </tbody> </table>		Weeks 1 to 6	Weeks 7 to 9	Weeks 10 to 12	1 lozenge every 1 to 2 hours	1 lozenge every 2 to 4 hours	1 lozenge every 4 to 8 hours
Weeks 1 to 6	Weeks 7 to 9	Weeks 10 to 12							
1 lozenge every 1 to 2 hours	1 lozenge every 2 to 4 hours	1 lozenge every 4 to 8 hours							
Do not use • if you continue to smoke, chew tobacco, use snuff, or use a nicotine patch or other nicotine containing products		<ul style="list-style-type: none"> • nicotine lozenge is a medicine and must be used a certain way to get the best results • place the lozenge in your mouth and allow the lozenge to slowly dissolve (about 20 - 30 minutes). Minimize swallowing. Do not chew or swallow lozenge • you may feel a warm or tingling sensation • occasionally move the lozenge from one side of your mouth to the other until completely dissolved (about 20-30 minutes) • do not eat or drink 15 minutes before using or while the lozenge is in your mouth • to improve your chances of quitting, use at least 9 lozenges per day for the first 6 weeks • do not use more than one lozenge at a time or continuously use one lozenge after another since this may cause you hiccups, heartburn, nausea or other side effects • do not use more than 5 lozenges in 6 hours. Do not use more than 20 lozenges per day. • stop using the nicotine lozenge at the end of 12 weeks. If you still feel the need to use nicotine lozenges, talk to your doctor 							
Ask a doctor before use if you have • heart disease, recent heart attack, or irregular heartbeat Nicotine can increase your heart rate • high blood pressure not controlled with medication. Nicotine can increase your blood pressure. • stomach ulcer or diabetes		Other Information • Phenyletonics: Contains Phenylalanine 3.4 mg per lozenge • store at 20 - 25°C (68 - 77°F) • protect from light							
Ask a doctor or pharmacist before use if you are • using a non-nicotine stop smoking drug • taking prescription medicine for depression or asthma. Your prescription dose may need to be adjusted		Inactive Ingredients aspartame, calcium polycarbophil, flavor, magnesium stearate, mannitol potassium bicarbonate, sodium alginate, sodium carbonate, xanthan gum							
Stop use and ask a doctor if • mouth problems occur • persistent indigestion or severe sore throat occurs • irregular heartbeat or palpitations occur • you get symptoms of nicotine overdose such as nausea, vomiting, dizziness, diarrhea, weakness and rapid heartbeat		Questions or comments? call weekdays 1-888-569-1743 (10:00am - 4:30pm EST)							
Keep out of reach of children and pets. Nicotine lozenges may have enough nicotine to make children and pets sick. If you need to remove the lozenge, wrap it in paper and throw away in the trash. In case of overdose, get medical help or contact a Poison Control Center right away.									
Directions • if you are under 18 years of age, ask a doctor before use • before using this product, read the enclosed User's Guide for complete directions and other important information									

Proposed Product Labeling

Shown below are only the changes from the Commit[®] Label. These changes cover both the 2 mg base and 4 mg base strengths in the base, polacrilex, or bitartrate forms:

[Reader's Notes are in brackets].
Strikethrough means deleted text.

Front Panel

From the marketers of Nicorette[®]

~~American Cancer Society Logo, See Side Panel*~~

Free Personalized Stop Smoking Plan Details Inside, Change to Text or Different Logo

Commit[®] Nico Lite

~~nicotine polacrilex lozenge, 2 mg nicotine base [or polacrilex or bitartrate] solution, 2 mg [or 4 mg]~~

~~LOZENGE SOLUTION~~

~~Picture of Lozenge.~~ Picture of bottle.

For the 2 mg bottle: If you smoke your first cigarette **WITHIN 30 MINUTES** of waking up, use ~~Commit 4 mg lozenge~~ use NIC LITE 4 mg solution

For the 4 mg bottle: If you smoke your first cigarette **MORE THAN 30 MINUTES** of waking up, use ~~Commit 2 mg lozenge~~ use NIC LITE 2 mg solution

1 bottle, 8 fl. oz. (237 mL)

Drug Facts Panel

Active Ingredient

~~(in each lozenge)~~ (In each bottle)

Nicotine ~~polacrilex~~ Base [or polacrilex or bitartrate] 2 mg [or 4 mg]

Warnings

Keep out of reach of children and pets. Nicotine ~~lozenges~~ solution...

Directions

- stop smoking completely when you begin using the lozenge solution
- if you smoke your first cigarette more than 30 minutes after waking up, use 2 mg of nicotine lozenge solution
- if you smoke your first cigarette within 30 minutes of waking up, use 4 mg of nicotine lozenge solution according to the following 12 week schedule:

Weeks 1 to 6	Weeks 7 to 9	Weeks 10 to 12
1 lozenge bottle every 1 to 2 hours	1 lozenge bottle every 2 to 4 hours	1 lozenge bottle every 4 to 8 hours

- nicotine lozenge solution is a medicine and must be used a certain way to get the best results
- ~~• place the lozenge in your mouth and allow the lozenge to slowly dissolve (about 20–30 minutes). Minimize swallowing. Do not chew or swallow lozenge.~~
- you may feel a warm or tingling sensation
- ~~• occasionally move the lozenge from one side of your mouth to the other until completely dissolved (about 20–30 minutes)~~
- ~~• do not eat or drink 15 minutes before using or while the lozenge is in your mouth~~
- to improve your chances of quitting, use at least 9 lozenges bottles per day for the first 6 weeks
- do not use more than one lozenge bottle at a time or continuously use one lozenge bottle after another since this may cause you hiccups, heartburn, nausea or other side effects.
- do not use more than 5 lozenges bottles in 6 hours. Do no use more than 20 lozenges bottles per day
- stop using the nicotine lozenge solution at the end of 12 weeks. If you still feel the need to use nicotine lozenges solution, talk to your doctor.

Other Information

~~–Paronylketonurics: Contains Phenylalanine 3.4 mg per lozenge~~

Inactive ingredients

Purified water USP and Potassium Benzoate [or another suitable preservative]

Questions or comments?

call weekdays 1-805-230-2800 (10:00 AM - 4:30 PM)

Right Side Panel:

~~From the Marketers of Nicorette®~~

Commit[®] NICO LITE™

~~Do not use if individual seals are open or torn. Do not use if tamper resistant seal is broken or missing at the time of purchase.~~

NICO LITE UPC Code

Left Side Panel:

~~From the Marketers of Nicorette®~~

~~Commit® NICO LITE™~~

2. USE ENOUGH - Use **at least 9 lozenges bottles** of ~~Commit~~ NICO LITE per day during the first six weeks.

~~Pictures of peeling lozenges.~~

~~GlaxoSmithKline pays a fee to the American Cancer Society for the use of its logo.~~

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Henderson, NV 89074, Phone 1-805-230-2800~~

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